

Notice of Allowability

Application No.

10/092,965

Examiner

Minerva Rivero

Applicant(s)

BRITTAIN ET AL.

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/24/05.
2. ☒ The allowed claim(s) is/are 32-58.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

MR 2/4/06

DETAILED ACTION

Response to Amendment

1. In the Remarks submitted 8/24/05, Applicants cancelled claims 1-31, added claims 32-59, and submitted arguments for allowability of pending claims.

Examiner's Amendment

2. An examiner's amendment to the record appears below.

Authorization for this examiner's amendment was given in a telephone interview with David Pressman on 2/1/06.

The application has been amended as follows:

3. Claim 39 is amended to read as follows:

A system for distributing or providing access to recorded sound information to at least one user, comprising:

- a. a computer system for storing, managing, and distributing said sound information, said computer system comprising:

- 1) means for storing a recorded stream of sound,

2) means for storing at least one recorded marker of sound, comprising a predetermined sound inserted into said recorded stream of sound, said predetermined sound being distinguishable from other sound in said recorded stream of sound,

3) means for storing a separately created and recorded sound annotation, said marker of sound providing a user-operable connection or link to said sound annotation so that when said marker of sound is reached during playback of said stream of sound, a user can elect to hear said recorded sound annotation,

b. a device for creating, selecting, and playing back said sound information and,

c. a communication facility for interconnecting said device and said computer system,

d. means for associating said annotation of sound with said marker or glyph so that when said stream of sound is played and said marker or glyph is reached, said sound annotation can be selectively played,

whereby a user can elect to listen to only relevant or desired recorded sound annotations, thereby increasing the likelihood that a user will listen to the recorded stream of sound and relevant or desired sound annotations, thereby improving communication and collaboration.

4. Claim 53 is amended to read as follows;

A system for augmenting sound information, comprising:

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- a. a sound stream recorder for recording a stream of sound,
- b. a glyph inserter for inserting at least one marker of sound or glyph of sound into said stream of sound, said marker or glyph having a sound frequency,
- c. a sound annotation recorder for recording at least one sound annotation, and,
- d. a circuit for associating said annotation of sound with said marker or glyph so that when said stream of sound is played and said glyph is reached, said annotation of sound can be selectively played,
- e. means for storing a plurality of user-defined operational parameters in said system and tailoring operation of said system according to said user-defined operational parameters,

whereby a user can elect to listen to only relevant or desired recorded sound annotations, thereby increasing the likelihood that a user will listen to the recorded stream of sound and relevant or desired sound annotations, thereby improving communication and collaboration.

5. Claim 59 is cancelled.

Allowable Subject Matter

6. The following is an examiner's statement of reasons for allowance:

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7. Regarding claims 32, 39, 47 and 53, Daberko *et al.* disclose a method of and system for augmenting sound information, comprising:

providing a recorded stream of sound (*previously recorded voice message*, Col. 2, Line 46);

means for recording a stream of sound (*recording device*, Col. 4, Lines 40-41; Fig. 1) and

providing a sound annotation (*inserting a new message*, Col. 2, Lines 44-49).

However, Daberko *et al.* do not disclose nor fairly suggest providing a marker of sound, comprising inserting a predetermined sound into said recorded stream of sound;

said marker of sound providing a connection or link to said annotation, whereby said marker of sound and sound annotation provide enhanced communication collaboration among a plurality of users and selectively plays back said sound annotation when said marker of sound is reached; nor

means for tailoring said system execution through a plurality of user-defined operational parameters which are stored in said system.

Therefore claims 32, 39, 47 and 53, and their depending claims, 33-38, 40-46, 54-58, respectively, are allowed.

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rindfuss (US Patent 4,841,387), Bernstein *et al.* (US Patent 5,297,249), Wilcox *et al.* (US Patent 5,970,455), Qua *et al.* (US Patent 6,222,909), Rivette *et al.* (US Patent 6,389,434), and Wilcox *et al.* (US Patent 6,404,856).

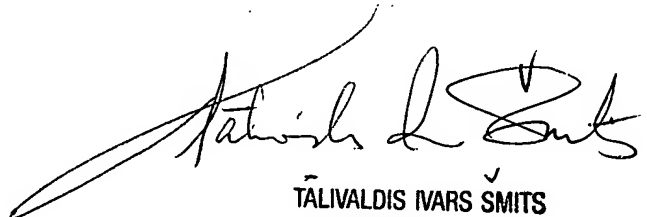
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minerva Rivero whose telephone number is (571) 272-7626. The examiner can normally be reached on Monday-Friday 9:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on (571) 272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MR 2/4/06



TĀIVALDIS IVARS SMITS
PRIMARY EXAMINER